

BEFORE THE ARKANSAS WORKERS' COMPENSATION COMMISSION

CLAIM NO. F613408

CHEROKEE PHELAN	CLAIMANT
U. S. FOODS	RESPONDENT
KEMPER RISK MANAGEMENT SERVICES INSURANCE CARRIER	RESPONDENT

OPINION FILED JULY 5, 2007

Hearing before ADMINISTRATIVE LAW JUDGE ELIZABETH DANIELSON in Fort Smith, Sebastian County, Arkansas.

Claimant represented by SHAWN SPENCER, Attorney, Fort Smith, Arkansas.

Respondent represented by MICHAEL MAYTON, Attorney, Little Rock, Arkansas.

STATEMENT OF THE CASE

A hearing was held on May 24, 2007, in Fort Smith, Arkansas.

A pre-hearing conference was held in this claim, and as a result a pre-hearing order was entered in the claim on December 7, 2006. This pre-hearing order set forth the stipulations offered by the parties, the issues to litigate and the contentions thereto.

The following stipulations were submitted by the parties and are hereby accepted:

1. The Arkansas workers' Compensation Commission has jurisdiction of this claim.

2. On July 10, 2000, the relationship of employee-employer-carrier existed between the parties.

3. The claimant sustained a compensable injury to his right leg on July 10, 2000.

4. Temporary total disability has been paid from July 11, 2000, to July 23, 2000.

5. The claimant is entitled to the maximum compensation rate for 2000.

By agreement of the parties the issues to litigate are limited to the following:

1. Compensability of the claimant's vascular problems.
2. Additional temporary total disability from date of last employment to a date to be determined.
3. Additional medical except for the stocking.
4. Wage loss over any impairment rating.
5. Impairment of 20 percent to the body as a whole.
6. Attorney's fees.

In regard to the foregoing issues the claimant contends that there exists a wage loss disability due to the injury. There is additional medical treatment that is required by Mr. Phelan. There also exists an additional period of TTD. There exists attorney fees to be compensated. The claimant contends that he has been permanently impaired as a result of the injury on July 10, 2000. There exist attorney fees to be compensated.

In regard to the foregoing issues the respondents contend that they deny any additional benefits except for the stocking. All benefits to which the claimant is entitled have been paid and have not been controverted. The claimant is not entitled to any additional benefits other than the payment of support stockings. The respondents have paid for all reasonable and necessary medical treatment. The only reasonable and necessary medical treatment for which the respondents are responsible are support stockings for the

claimant's lower extremity. The claimant's injury is to his lower extremity and is a scheduled injury. The claimant has not sustained any permanent impairment. Since the claimant's injury is a scheduled injury, he is not entitled to any wage loss disability. The claimant is not entitled to any additional temporary disability benefits. The claimant is not entitled to any temporary partial disability benefits. The claimant is not entitled to any permanent disability benefits. The claimant has reached maximum medical improvement. The respondents have provided treatment by several different physicians and specialists. The claimant had triple phase bone scan on or about June 26, 2002, which was negative. The claimant has not sustained any type of vascular injuries which were a result of the injury in question. In the alternative, if it is determined the claimant has sustained a vascular injury, this case is controlled by Ark. Code Ann. §11-9-114 and the claimant cannot meet the requirements of the statute. All outstanding medical expenses are the responsibility of the claimant and were not reasonable and necessary. In the alternative, if it is determined the claimant is entitled to additional benefits, the respondents hereby request a setoff for all medical expenses paid by the claimant's group health carrier, all short term disability benefits received by the claimant and all unemployment benefits received by the claimant. The respondents have paid for all medical treatment for which they are responsible. The respondents have paid for all reasonable and necessary medical treatment. The claimant is not entitled to any additional medical treatment. The only reasonable

and necessary medical treatment in the future is the prescription for stockings. The respondents further contend that if the claimant is found to be entitled to any additional benefits, the respondents would be entitled to some setoffs such as unemployment benefits, noting that receiving unemployment benefits is a complete barr to a claim for temporary total disability. The respondents further contend that in the alternative it is noted that the claimant had a serious automobile accident recently which is an independent intervening event which would be the reason for the claimant being temporarily totally disabled subsequent to that motor vehicle accident.

The documentary evidence submitted in this matter consists of the Commission's pre-hearing order marked Commission's Exhibit No. 1. The claimant submitted medical records marked Claimant's Exhibit No. 1. The respondents submitted medical records marked Respondents' Exhibit No. 1. All these exhibits were admitted without objection.

DISCUSSION

The claimant testified that he was forty-three years old and left high school in the tenth grade. The claimant testified that he has problems with reading comprehension which he has had all of his life. The claimant testified that his work history includes working as a cook, for the City of Fort Smith, in the oil fields, and on a casing crew but that most of his history is truck driving. The claimant testified that he became certified CDL in 1995 and has been driving trucks since that time. The claimant testified that

his job with the respondent was driving a truck and delivering products to Sonics throughout Arkansas and Tennessee. The claimant testified that he worked four days a week and although he did no loading, he was required to do all the hand unloading.

The claimant testified that on the morning of July 10, 2000, he made an inspection of his truck as he always did before he began his route. The claimant testified that when he pulled out his ramp it did not fit properly so he reported this to his supervisor but was told to make his run anyway. The claimant explained that the ramp was a piece of equipment which you put on the back of a truck so he could wheel product on and off the truck with a dolly. The claimant testified that he was making a key drop in Jacksonville explaining that it was too early for the store to be open and he had keys to the store so he could unload product and put it in their freezers and refrigerators. The claimant testified that he pulled his ramp out so he could unload product and he made two or three trips unloading product and on the next trip he started down with his dolly and the ramp collapsed. The claimant testified that he fell approximately five feet and when he landed his right leg was bent like he was going to kneel, he landed across the ramp on his shin, and his left ankle was hooked into the trailer of the truck itself. The claimant testified that he banged his right shin approximately between his ankle and his knee of his right leg. The claimant testified that he tried to reach his supervisor but could not get an answer so after a period of time he went ahead and finished unloading and went on down the road. The claimant

testified that when he reached his next stop his pants felt real tight so he reached down and pulled up his pant leg and there was a knot the size of a grapefruit on his right shin. The claimant testified that it looked real black and bad. The claimant testified that the people at this Sonic were very helpful and did his unload for him. The claimant testified that now he was able to get in touch with his supervisor who said he would come and get him. The claimant testified that he went on to his next drop area and that it took his supervisor, Eddie, four hours to come and get him.

The claimant testified that his supervisor took him immediately to Affordable Medical Clinic where he was treated by Dr. Terrald Smith who took him off work. The claimant testified that when he returned to see Dr. Smith two or three days later, the doctor made an incision in the knot and pushed blood clots out of his leg. The claimant remembered that this occurred on a Wednesday and the doctor told him he could go back to work on Monday. The claimant testified that over the weekend his lower leg and ankle began to swell up, his wife took him back to the doctor and the doctor took him off work until the 27th of July. The claimant agreed that the respondents have paid benefits for this off work period of time. The claimant testified that when he attempted to go back to work on the 27th he was told that he was suspended and that he was subsequently terminated due to a mess up with his medical records and that the respondent thought he was being dishonest.

The claimant testified that he found employment with another trucking company. The claimant remembers that he made a trip to Chicago and had to make stops and get out and move around because his leg was swelling so badly. The claimant testified that when he returned from this trip his leg was so swollen he had to call his wife and two boys to come and pull him out of the truck because he could not walk. The claimant testified that during this period of time his leg was swelling every day.

The claimant testified that he then went to St. Edward's Hospital where tests were run and he was sent back to see his original treating physician who wanted to do a bone scan but the respondents would not authorize it. The claimant remembers that they did run a doppler to look for blood clots. The claimant testified that he continued to work and eventually, two years later, the respondents did authorize a bone scan and a doppler. The claimant testified that during this period of time he continued to have problems with swelling, burning, aching, and a deep throbbing in his leg. The claimant testified that in January 2003 he was seen by Dr. Zufari who recommended that he wear support stockings. The claimant testified that he was seen by Dr. Zufari a second time and it was again recommended that he continue to wear his support stockings and to elevate his leg when possible. The claimant testified that the doctor indicated that this was going to be a long term treatment process. The claimant testified that he continued to work primarily driving a truck but he did have some jobs doing road service, repairing tires, and mechanic type work.

The claimant testified that he has been seen at the emergency room several times due to the swelling and pain in his leg. The claimant testified that his leg would hurt so bad it felt like it was going to explode and due to the advice or information he received from the doctors he was afraid of a blood clot. The claimant testified that when he was seen by Dr. Martimbeau he also recommended the support stockings. The claimant testified that he continued to be seen at the ER for the swelling and pain. The claimant testified that he had a lot of burning going on inside of his lower leg. The claimant testified that he remembers being seen by Dr. Baskin in Little Rock who measured his leg. The claimant testified that the doctor measured his leg without his stocking on. The claimant testified that he told Dr. Baskin the problems he had been having. The claimant testified that about ninety days later he had been working as a driver and that by Friday afternoon he called his wife who always picked him up and told her that something was not right. The claimant testified that his wife picked him up and took him to Pro Med in Van Buren and when they saw him they advised him to go immediately to the hospital. The claimant testified that at Spark's Hospital tests were run and a blood clot was found and he was diagnosed with deep vein thrombosis. The claimant testified that he was in the hospital for six days. The claimant testified that while in the hospital he was hooked up to the medication Heparin and he was started on Coumadin as well as given pain relievers. The claimant testified that Dr.

Holly Jennings treated him while he was at Spark's and she continues to treat him to date.

The claimant testified that Dr. Jennings currently has him taking Coumadin which is to keep his blood from clotting, therefore he has to have blood work done every two weeks to make sure his blood is not too thin. The claimant testified that he also takes Celexa. The claimant was asked if he had been diagnosed with a venous insufficiency in his right leg and the claimant responded, "Yes." The claimant testified that he does not see any other physician except Dr. Jennings and he has not had to return to the ER since he has been under her treatment. The claimant testified that at one point he saw Dr. Sygnet Schroeder who recommended pool therapy and also measured his calves. The claimant testified that Dr. Schroeder's measurements were done much differently than Dr. Baskin's in that he was advised not to wear his support stockings for twenty-four hours before he came in so they could see what his leg was like without the stockings. The claimant testified that there was quite a bit of difference in the measurements the second time.

The claimant testified that he has had no other injuries to his leg since his compensable injury in 2000. The claimant testified that he also does not have a history of heart attack or high blood pressure since 2000. The claimant testified that he wears his support stockings every day. The claimant testified that he still has a deep throbbing and burning in his leg but that the support hose do help with the swelling. The claimant testified

that he last worked December 15, 2005, which was when he was diagnosed with a blood clot and admitted to the hospital. The claimant testified that he has looked for work but has been unsuccessful and has received unemployment benefits. The claimant testified that he also has applied for social security but would rather work if he could find a job.

On cross examination, the claimant testified that he had a motor vehicle accident after his deposition was taken on January 22, 2007. The claimant testified that his motor vehicle accident was in February 2007. The claimant testified that he was on interstate 40 when an eighteen wheeler hit him, spun him around and then hit him again. The claimant testified that he then felt a lunge and after that he does not remember anything but when he woke up he was on the other side of the interstate. The claimant testified that he was going around seventy or more at the time of the accident and that he would estimate that the truck was going the same speed. The claimant testified that as a result of this motor vehicle accident, he has injuries to his neck, back of his head, shoulders, low back, and mid back. The claimant testified that he is still undergoing physical therapy as a result of this accident. The claimant testified that as a result of this accident, he did not have any injury to his right leg. The claimant testified that he is still being seen by a physician for his motor vehicle accident injuries, he takes medication and goes to physical therapy. The claimant testified that for a period of time he was going to physical therapy every day. The claimant

agreed that this motor vehicle accident put him pretty much out of the job market for the time being but he was hoping to improve enough so that he would be able to go back out and look for work. The claimant testified that he is really not able at present to look for work as a result of this motor vehicle accident. The claimant agreed that the venous doppler which he had done on his right leg on August 18, 2000, and the a second one on June 18, 2002, revealed no deep vein thrombosis in his right leg. The claimant also agreed that the bone scan which he had made on June 26, 2002, was negative. The claimant agreed that after he was first seen by Dr. Zufari and a few months after that he had a doppler on his right leg which showed no deep vein thrombosis. The claimant agreed that Dr. Zufari referred him to Dr. Akkad who encouraged him to stop smoking because it was creating a problem. The claimant testified that he quit smoking February 16, 2005, and has not smoked since. The claimant agreed that when he was seen by Dr. Martimbeau on June 1, 2004, the doctor did pretty much what the other doctors had been saying and no specific treatment was recommended but just to continue using the support stockings. The claimant testified that the doppler test run on him on October 28, 2004, November 14, 2004, and March 18, 2005 where all negative for deep vein thrombosis. The claimant agreed that when he was seen by Dr. Baskin in Little Rock that doctor did not recommend any aggressive treatment but just to continue with wearing the stockings. The claimant agreed that from the date of his termination by the respondent up until he was hospitalized in

December 2005 he stayed pretty much employed the entire time. The claimant testified that when his employer, Flynt Tire, closed down he drew unemployment benefits from around October 9, 2004, to April 17, 2005. Again the claimant testified that he has not worked since December 2005. The claimant testified that he began receiving unemployment benefits again in September 2006. The claimant testified that his unemployment benefits have run out but he is unsure as to what date.

The respondents, on cross examination, asked the claimant a very detailed series of questions dealing with the various jobs he has had since being terminated by the respondent. The claimant testified that his jobs have primarily been that of truck driving either over the road or local hauls, mechanic type work and some sales.

On redirect examination, the claimant was asked if his doctors had recommended that he quit smoking and the claimant responded that yes he had. The claimant explained that initially he tried to wean himself off cigarettes but eventually just had to quit but has not picked them back up. The claimant testified that his physicians have recommended that he lose weight. The claimant stated that since January 2007 he has lost fifty pounds. The claimant testified that even though he has had several different jobs varying in responsibility, he has continued to have swelling and pain in his right leg every day.

The medical records set forth that the claimant began receiving medical treatment for his compensable right leg injury on

July 10, 2000. The claimant was initially treated by Dr. Terrald Smith and was diagnosed with having a large hematoma on his right calf. Dr. Smith indicates on July 18, 2000, that he may possibly have to drain the claimant's hematoma. The claimant underwent a doppler exam of his right lower extremity on August 18, 2000. This test sets forth that there is no evidence to suggest deep vein thrombosis but further noted that there is minimal fluid in the calf musculature near the claimant's prior incision and drainage. The claimant was seen at Available Medical Care on August 21, 2000, with continuing complaints of his right leg swelling and pain. A bone scan was recommended. On June 18, 2002, the claimant was again seen at Available with the same complaints of right leg discomfort and swelling at which time another doppler was scheduled and a referral was made to Dr. Zufari. The claimant underwent a doppler examination on June 18, 2002, which revealed that there was no evidence of lower extremity deep venous thrombosis. The claimant underwent a triple phase bone scan of his right lower extremity on June 26, 2002, which revealed that there was no abnormal activity in vascular, soft tissue, or flow phases. This test set forth that the activity is symmetric and no abnormalities demonstrated. On January 22, 2003, the claimant was seen by Dr. Munir Zufari for his complaints of right leg hematoma. After taking a history, reviewing the claimant's test and a physical examination, Dr. Zufari recommended that the claimant start using supportive stockings. The doctor opined that the reason for the claimant's swelling is either venous insufficiency or deep vein

thrombosis developing in the claimant's right leg. Dr. Zufari addresses the claimant's complaint of numbness below the injury site on his right leg and opines that this is probably related to a contusion to the saphenous nerve in that area. Dr. Zufari writes that nothing can be done about this and that the nerve might regenerate over time. Dr. Zufari recommended another doppler to make sure there was no clot. Dr. Zufari writes that the claimant's problems of swelling as well as numbness are not life threatening and are not disabling problems. Dr. Zufari had the claimant undergo a test on the advanced bio sound color flow duplex scanner which indicated that the claimant's venous signals were normal and that the femoral veins and popliteal veins were visualized and they were compressible indicating no deep vein thrombosis present. Dr. Zufari writes on May 30, 2003, about the claimant having problems with his support stockings and made additional recommendations. Dr. Zufari opined that since his injury occurred three years earlier and he just now is starting the support stocking treatment, the claimant will probably be required to wear support stockings for many years if not for the rest of his life. The claimant underwent another doppler test on June 24, 2003, which was a normal right lower extremity duplex venous ultrasound. The claimant underwent a lower extremity duplex scan evaluation on January 6, 2004. Dr. Robert Jagers writes that the test reveals no evidence of deep vein thrombosis in either leg but there is some slight venous valvular insufficiency noted in the right leg. Dr. Claude Martimbeau writes on June 1, 2004, that he has seen the claimant

for his right leg work related injury. After a review of the claimant's medical history and various tests as well as an examination, Dr. Martimbeau assesses the claimant with having local contusion of the mid leg with probable post traumatic neuroma and partial tear of the muscle of the posteromedial compartment. Dr. Martimbeau writes that there is no specific treatment other than using the support stockings and recommended an injection of cortisone which the claimant said he would consider. The claimant was seen at St. Edward's Hospital on September 25, 2004, with complaints of right leg pain and again at the Spark's ER on October 28, 2004, with the same types of complaints. On October 28 the claimant underwent a lower extremity duplex scan evaluation and Dr. Jagers reviewed the test and determined that there was no evidence of deep vein thrombosis in the claimant's right leg. Medications were prescribed for the claimant at this ER visit. The claimant was seen again on November 6, 2004, at the Spark's emergency room for complaints of right leg pain and again on November 14, 2004, with the same types of complaints. The claimant underwent a doppler scan on November 14, 2004, which revealed that he had no evidence of deep vein thrombosis in the right leg. Hydrocodone was prescribed for the claimant. The claimant was seen at the emergency room at Spark's Hospital on December 1, 2004, and again on January 4, 2005, with complaints of right leg pain and swelling. The claimant was seen at the Crawford Memorial Hospital on March 18, 2005, with complaints of right leg pain and swelling. A doppler exam was conducted at that time which revealed no evidence

of deep vein thrombosis. Medications were prescribed for the claimant at this visit.

Dr. Barry Baskin conducted an evaluation of the claimant on September 12, 2005, for his complaints of right leg swelling and right calf aching and burning. Dr. Baskin took a history of the claimant's illness and reviewed approximately 200 pages of medical records on the claimant. It is noted that the claimant admits some swelling in his left leg as well and he has some varicose veins in both legs. Dr. Baskin writes that it is his impression that the claimant has a component of chronic venous stasis disease noting that this could be in small part due to the trauma that he experienced with swelling and evacuation of a hematoma. Dr. Baskin notes that this could also be the claimant's nature predisposition particularly in light of the fact that he has varicose veins in the left leg and calf as well. Dr. Baskin writes that he does not think the claimant has much in the way of neurologic damage and notes that the claimant's several doppler studies suggest no deep vein thrombosis. Dr. Baskin writes that one of the claimant's doppler studies of his right leg suggest possibly some early venous stasis disease and recommended the claimant engage in an aggressive walking exercise program. Dr. Baskin writes that the claimant may have damaged some of his blood vessels in his calf from his fall and subsequent hematoma formation but according to the claimant's records he did not have a compartment syndrome nor does he have deep vein thrombosis. Dr. Baskin recommended that the claimant continue to wear his support stockings and did not feel as though

the claimant has any type of disability or has sustained any permanent impairment. Dr. Baskin writes that there are no objective findings on which to base an impairment rating particularly given the fact that the claimant has what appears to be a chronic venous insufficiency or venous stasis changes in the left leg as well as the right leg noting that the left leg was not injured.

The claimant was admitted to Spark's hospital on December 17, 2005, where it is noted that he was referred by Pro Med in Van Buren. The claimant's chief complaint was pain to right lower extremity in the calf area. Dr. Gretchen Orosz writes on December 17, 2005, that the claimant was sent yesterday by the Van Buren Pro Med to the Sparks' emergency room for possible deep vein thrombosis of his right leg. The doctor notes that in the ER the claimant was noted to have a right popliteal deep vein thrombosis and is now admitted for anticoagulation. The claimant reports that he has intermittent swelling in his right lower extremity as well as burning pain in his right thigh up into his groin for the past several days. The claimant also reports that he gets pain in the right anterior leg over the area where he had the hematoma drained. After examination, the claimant was assessed with right lower extremity deep vein thrombosis and was admitted to the hospital for heparin infusion and warfarin. A doppler study was done on the claimant on December 16, 2005, which revealed a deep vein thrombosis in his right leg at the level of the femoral vein with no evidence of deep vein thrombosis in the left leg. The claimant

was discharged from Spark's Hospital by his treating physician, Holly Jennings, on December 21, 2005, with medications and a return appointment for the purpose of adjusting his medications. Dr. Jennings writes on January 3, 2006, that although the claimant did not have a history of a previous deep venous thrombosis it is her opinion that his previous injury to that area probably caused enough structural damage to act as a mechanical postphlebotic syndrome. Dr. Jennings writes that the claimant has a superimposed right acute deep venous thrombosis and is adequately anticoagulated on Coumadin. Dr. Jennings recommended continuing the claimant's Coumadin dosage as well as prescribed Nortriptyline. The claimant underwent a doppler exam on January 27, 2006, which revealed that he had no evidence of deep vein thrombosis in the right leg. Dr. Jennings writes on February 2, 2006, that the claimant was hospitalized from December 17, 2005, through December 21, 2005, due to a right lower extremity deep vein thrombosis. Dr. Jennings writes that this deep vein thrombosis was superimposed on history of chronic right lower extremity pain and is currently on an anticoagulant drug called Coumadin. Dr. Jennings continues to write that although the claimant would not be stopped from driving a truck due to he Coumadin if he should be involved in a motor vehicle accident there would be an increased risk of bleeding and hemorrhaging due to his anticoagulant status. Dr. Jennings writes that with these matters in mind, the claimant can return at this time in a non driving capacity. The claimant was admitted to the Sparks' emergency room on February 7, 2006, with complaints of

right leg swelling, burning, and throbbing. The claimant had a doppler scan run on February 7, 2006, which showed no evidence of deep vein thrombosis in the right leg. The claimant was released and instructed to take his medications as well as to follow up with Dr. Jennings as scheduled. Dr. Jennings writes on March 22, 2006, that the claimant suffers from post phlebotic syndrome following a right lower extremity deep venous thrombosis. The doctor notes that these illnesses were superimposed on a preceding crush injury to the right lower extremity which resulted in a large hematoma which required drainage in the year 2000. Dr. Jennings notes that the claimant's profession of truck driving is an undesirable profession for anyone who has had a blood clot and certainly would make him susceptible to having another one in the future. Dr. Jennings writes that she would support the claimant's application for social security disability.

Dr. Cygnet Schroeder writes on July 21, 2006, that the claimant has been referred to him for an impairment rating. Dr. Schroeder goes through an extensive review of the claimant's medical history and treatment programs. Using the A.M.A. Guides, Forth Edition, Chapter 3 and 6, Dr. Schroeder notes that both of these reference the lower extremity impairment due to peripheral vascular disease. Dr. Schroeder also indicates that he referenced Page 89, Table 69, and Table 14 and based on this information the doctor assessed the claimant with a 15 percent impairment given the patient's persistent edema. Dr. Schroeder then referenced Section 3 on the muscular skeletal system Page 89, Table 68, Impairments

for Nerve Deficit. Dr. Schroeder notes that it appears that the claimant's superficial peroneal nerve and sural sensory have been involved and assessed the claimant with a 12 percent impairment rating indicating that using the combined value chart on Page 322, the claimant would be entitled to a 20 percent whole body impairment. Dr. Jennings writes on January 11, 2007, that the claimant is currently on Coumadin anticoagulation therapy secondary to a previous history of right lower extremity deep venous thrombosis and subsequent post phlebitic syndrome. Dr. Jennings writes that these conditions are superimposed on a history of trauma with extensive hematoma formation to the right lower extremity in the year 2000. Dr. Jennings writes that given the claimant's history of both trauma and presumed microscopic vessel damage to the right lower extremity and his previous deep venous thrombosis he is considered to be at high risk for recurrent deep venous thrombosis and, therefore will have to remain on Coumadin for his life time.

After a complete review of this entire matter, I find that the claimant has failed to prove by a preponderance of the evidence that his deep vein thrombosis which he experienced in December 2005 is a compensable consequence of his 2000 right calf injury. It is not questioned that this claimant has continued to have some pain, swelling, and throbbing in his right leg subsequent to his 2000 compensable injury and the respondents have provided medical care as well as the claimant's support stockings for this compensable injury. It is noted, however, that the claimant underwent numerous

doppler examinations as well as bone scans all of which were normal. The claimant has testified that he only worked for the respondent for a few months following his compensable injury and then was terminated. The claimant has testified that he has worked for numerous companies driving trucks and doing a variety of other activities subsequent to his leaving the employment of the respondent. The deep vein thrombosis and problems which the claimant experienced in December 2005 in my opinion are too remote from his 2000 compensable injury to assess the respondents with the responsibility of this problem. It is also noted that the claimant has vascular disease in both of his legs and he only injured his right leg.

FINDINGS & CONCLUSIONS

1. The Arkansas workers' Compensation Commission has jurisdiction of this claim.
2. On July 10, 2000, the relationship of employee-employer-carrier existed between the parties.
3. The claimant sustained a compensable injury to his right leg on July 10, 2000.
4. Temporary total disability has been paid from July 11, 2000, to July 23, 2000.
5. The claimant is entitled to the maximum compensation rate for 2000.
6. The claimant has failed to prove by a preponderance of the evidence that his vascular problems, deep vein thrombosis, are a result of his original 2000 compensable injury.

ORDER

The claimant has failed to prove by a preponderance of the evidence that his vascular problems are a result of his 2000 compensable right leg injury. Therefore, this claim should be denied in its entirety except for the claimant's ongoing need for support stockings which have consistently been prescribed for his 2000 compensable injury.

IT IS SO ORDERED.

ELIZABETH DANIELSON
ADMINISTRATIVE LAW JUDGE